

REMARKS

Claims 1-17 have been examined. Claims 1, 7, and 13 have been amended to clarify aspects of the claims. No claims have been added or deleted. Reconsideration of the application in view of the following remarks is respectfully requested.

The Notice of Non-Compliant Amendment states that the Amendment filed on June 19, 2008 was not signed in accordance with 37 CFR §1.4. According to the private side of PAIR, the Remarks section was scanned twice by the U.S. Patent Office. One entry scanned by the Patent Office included pages 9-12, the last page being the signature page. Another entry scanned by the Patent Office included page 3 which was not part of the Remarks section. Page 3 includes the Amendments to the Drawings section. Hence, due to a scanning error made by the Patent Office, the Remarks section which included pages 9-12 does contain a signature page which was correctly electronically signed by Counsel.

Initial Remarks

Counsel wishes to thank the examiner for the interview of June 12, 2008. In the interview, the rejections of the claims in view of the Bozeman reference were discussed. Also, Fig. 4 has been added to illustrate features being claimed. In so doing, no new matter is being added.

Claim Rejections – 35 U.S.C. 102

Claims 1-17 have been rejected under 35 U.S.C. 102(e) as being anticipated by Bozeman. This rejection is respectfully traversed. For a claim rejection to be maintained under 35 U.S.C. 102(e), the Examiner must establish that each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. MPEP § 2131. The elements must also be arranged as required by the claim. MPEP § 2131, *citing In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

I. There is no guarantee that a consumer is actually authorized to transact on an account

Some embodiments of the claims are directed to verifying that a person is the owner and/or authorized user of an account by matching the account number and one or more identity data elements associated with the person. These embodiments target certain unmet needs that are described in the Background section of the Application: “The accuracy and usefulness of known account verification services is directly dependant on the robustness of the information contained within the databases which those services access. For example, simply providing an inquirer with the status of the account corresponding to the check which the inquirer wants to verify does not guarantee that the consumer is actually authorized to transact on that account” (emphasis added).

II. The criticality of collecting information from participant institutions and non-participant institutions

Because there is no guarantee that the consumer is actually authorized to transact on a particular account, embodiments of independent claim 1 require “collecting participant data elements from one or more participant institutions” as well as “**collecting non-participant data elements from one or more non-participant institutions**” (emphasis added).

Applicants respectfully submit that the importance of collecting and using accurate information such as those provided by participant institutions on a regular basis is critical. Such information is in stark contrast to information from a consumer who may not actually be authorized to transact on the account; even if the consumer is authorized to do so, any information that is provided may be out of date. Meanwhile, it is also critical to consider information collected from non-participant institutions, albeit the non-participant institutions may not be obligated (nor capable in certain instances) to provide such information on a regular basis. For example, information such as certain “bad events” or requests to print more checks, even though the corresponding agency or check printer/producer may not be obligated to report such information, can all add to the robustness of an account-owner verification database.

Accordingly, claim 1 has been amended to clarify that “the **participant institutions** are entities capable of providing accurate financial account data on a regular basis” (emphasis added). Claim 1 has also been amended to clarify that “the **non-participant institutions** are entities not obligated to provide account information on the regular basis” (emphasis added). Additionally, claim 1 has been amended to further clarify that “the **non-participant institutions** comprise at least one of a check imaging device or database, check printers, electronic bill payment companies, Internet account opening systems and Internet banking systems” (emphasis added). Support for the amendments can be found, for example, in paragraphs [0023], [0026] and [0027] of the Application.

III. Bozeman fails to teach the claims; elements of Bozeman are not arranged as in the claims as required for a 35 U.S.C. 102(e) rejection

In contrast, Bozeman appears to be directed to allowing a payer to enter an executed check into a database so as to allow queries into the database by various parties to determine if the check has been authorized for the amount written (Bozeman, col. 5, ll. 40-45). Indeed, information appears to be entered by a payer rather than collected from institutions. For example, Bozeman explicitly states a “first instruction means for permitting a payer who executes a check for payment to enter and store check register information relating to the executed check in said database” (Bozeman, claim 1, emphasis added). In other words, the payer tells his bank that he has prepared and signed a certain check so that when the payee contacts the bank there will be a record that the payer has indeed endorsed the check. Hence, while it is true that Bozeman does mention certain banks, Bozeman fails to teach “**collecting . . . data elements from**” the bank at the cited passages. Rather, Bozeman describes a service “that can be used by both account holder members and non-members” and the related system “will be accessed by all banks, depositors and account holders” (Bozeman, col. 5, ll. 28-36, emphasis added), but not that the banks contribute the data.

While Bozeman might be interpreted to teach collecting information from a payer and that Bozeman also mentions certain banks, the elements are not arranged as in “**collecting participant data elements from one or more participant institutions**” or “**collecting non-**

participant data elements **from one or more non-participant institutions**” (emphasis added). As set forth above, the participant institutions and the non-participant institutions are decidedly not taught by a payer or even a bank in Bozeman especially in light of the clarification that “the **participant institutions** are entities capable of providing accurate financial account data on a regular basis,” “the **non-participant institutions** are entities not obligated to provide account information on the regular basis” and further “the **non-participant institutions** comprise at least one of a **check imaging device or database, check printers, electronic bill payment companies, Internet account opening systems and Internet banking systems**” (emphasis added).

IV. All pending claims are believed to be allowable; the issuance of a formal Notice of Allowance is respectfully requested

As noted above, it is critical to collect information from participant institutions, rather than a payer who may not even be authorized to transact on an account, for accurate financial account data on a regular basis. Likewise, information collected from non-participant institutions, albeit the non-participant institutions may not be obligated to provide such information on a regular basis, also adds to the robustness of an account-owner verification database. Hence, it is believed that claim 1 is allowable.

Independent claim 7 recites similar elements as claim 1. Independent claim 13 recites “account data being obtained from participant institutions and non-participant institutions.” It is believed that claims 7 and 13 are also allowable for at least the same reasons as claim 1. The remaining claims each depends from one of the independent claims. The remaining claims are therefore also believed to be allowable at least by virtue of that dependence.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 10/773,642
Amdt. dated October 7, 2008
Reply to Office Action of September 10, 2008

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

/darin j gibby/
Darin J. Gibby
Reg. No. 38,464

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
DJG/cl
61545433 v1